

FILED

OCT 27 2016

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

THOMAS E. FITCH, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 1:15-CV-199

Honorable Irene M. Keeley

THE SCHWAN FOOD COMPANY,
a Minnesota Corporation, SCHWAN'S
SHARED SERVICES, LLC, a Delaware
Limited Liability Corporation, SCHWAN'S
HOME SERVICE, INC., a Minnesota
Corporation, and CARLTON SPARE, JR.,
an individual,

Defendants.

DISMISSAL ORDER

This day came Plaintiff, Thomas E. Fitch, Jr., by and through undersigned counsel, and came Defendants, The Schwan Food Company and Schwan's Shared Services, LLC, by and through undersigned counsel, and announced to the Court that the Plaintiff has decided to voluntarily withdraw and agreed to dismiss, with prejudice, all claims against Defendants, The Schwan Food Company and Schwan's Shared Services, LLC, as parties to this matter. Wherefore, counsel for the Plaintiff and Defendants, The Schwan Food Company and Schwan's Shared Services, LLC, jointly move the Court, pursuant to Rule 41(a) of the West Virginia Rules of Civil Procedure, for the entry of an Order effecting the dismissal Defendants, The Schwan Food Company and Schwan's Shared Services, LLC, as parties herein, with prejudice.

Upon consideration thereof, there being no objection thereto and it appearing to the Court proper to do so, it is hereby **ORDERED** that the claims of Plaintiff, Thomas E. Fitch, Jr., in the above styled civil action be and hereby are dismissed against Defendants, The Schwan Food

Company and Schwan's Shared Services, LLC, with prejudice, and Defendants, The Schwan Food Company and Schwan's Shared Services, LLC, are hereby dismissed as a party from this action, with prejudice.

ENTERED: 27th Day of October, 2016.


JUDGE IRENE M. KEELEY

Prepared by:

/s/Patricia M. Bello

LEWIS BRISBOIS BISGAARD & SMITH LLP

Patricia M. Bello (WVSB 11500)

222 Capitol Street, Fifth Floor

Charleston, West Virginia 25301

(304) 553-0166

Counsel for Defendants, The Schwan Food Company and Schwan's Shared Services, LLC

Reviewed and approved by:

/s/Keith A. Jones

Keith A. Jones (WVSB 1923)

JONES LAW GROUP, PLLC

120 Esta Lane

P.O. Box 13395

Charleston, WV 25360

(304) 984-9800

kjoneslaw@aol.com

Counsel for Plaintiff

/s/Tammy Bowles Raines

Tammy Bowles Raines (WVSB 9708)

TAMMY BOWLES RAINES LAW OFFICE, PLLC

227 Capitol Street, Suite 201

Charleston, WV 25301

(304) 395-5925

tbraineslaw@gmail.com

Counsel for Plaintiff